

**A BILL**

**entitled**

**GAMING AMENDMENT ACT 2023**

WHEREAS it is expedient to amend the Gaming Act 2014 and make related amendments;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

**Citation**

1 This Act, which amends the Gaming Act 2014 (the “principal Act”), may be cited as the Gaming Amendment Act 2023.

**Amends section 2**

2 In section 2(1) of the principal Act, delete the definition of “Minister” and substitute—

“Minister” means the Minister of Finance;”.

**Amends section 196**

3 In section 196(4) of the principal Act, delete “143 and 144” and substitute “143, 144 and 199A,”.

**Inserts new section 199A**

4 After section 199 of the principal Act, insert—

**“Commission’s power to modify or vary a regulatory obligation**

199A (1) Without prejudice to any other provision in this Act, the Commission may, subject to subsection (2) and in accordance with regulations made under subsection (3), modify or vary an obligation or requirement that is or would otherwise be imposed on a casino operator by or under this Act (referred to in this section as a “regulatory obligation”), on the application of that casino operator.

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(2) The powers of the Commission under subsection (1) shall not be exercised—

- (a) unless the Commission is satisfied—
  - (i) that compliance by the applicant casino operator with such regulatory obligation or with such regulatory obligation unmodified, is or would be unduly burdensome or would not achieve the intended purpose of the regulatory obligation; and
  - (ii) that such modification or variation would not result in undue risk to persons whose interests the regulatory obligation may be intended to protect;
- (b) in respect of any regulatory obligation relating to anti-money laundering and anti-terrorist financing or problem and responsible gaming.

(3) The Minister shall make regulations with respect to the Commission's power under subsection (1) and any other matters necessary to be prescribed to give effect to this section.”.

### **Consequential amendments**

5 (1) The following amendments are in consequence of the amendment made by section 2.

(2) In section 17A of the principal Act, repeal subsection (2) and substitute—

“(2) The Commission may borrow money with the consent and approval of the Minister.”.

(3) In section 18A of the principal Act—

- (a) in subsection (3)—
  - (i) in the introductory words delete “and to the Minister of Finance”; and
  - (ii) in paragraph (b) delete “Ministers” and substitute “Minister”;
- (b) in subsection (4)—
  - (i) in the introductory words, delete “of Finance”;
  - (ii) repeal paragraph (a) and substitute—
    - “(a) consider the documents submitted under subsection (3) and any other information submitted by the Commission;”;
  - (iii) repeal paragraph (b) and substitute—
    - “(b) after taking into account and having due regard to such representations made by the Commission, make any

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modifications to the proposed budget that the Minister deems necessary and proper; and”.

(4) In section 143 of the principal Act delete “, with the approval of the Minister of Finance,”.

(5) In section 144(1) of the principal Act in the introductory words delete, “, with the approval of the Minister of Finance,”.

(6) In the Gaming (Casino Fees) Regulations 2017 in regulation 12(2)(b), delete “of Finance”.

(7) In the Gaming (General Reserve and Casino Taxes) Regulations 2017 in sections 15(1) and 15(4), delete “of Finance”.

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### **EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Gaming Act 2014 (the “principal Act”) and make related amendments.

Clause 1 is self-explanatory.

Clause 2 amends section 2 of the principal Act to provide expressly that “Minister” under the principal Act means the Minister of Finance.

Clause 3 amends section 196 of the principal Act to provide that regulations made under new section 199A are to be subject to the affirmative resolution procedure.

Clause 4 inserts new section 199A into the principal Act, which, subject to regulations, empowers the Commission to modify or vary a regulatory obligation that is or would otherwise be imposed on a casino operator on the application of that casino operator. This section defines “regulatory obligation” as any requirement or obligation that is or would otherwise be imposed on a casino operator by or under the principal Act and provides when such power may not be exercised; including in respect of any regulatory obligation relating to anti-money laundering and anti-terrorist financing and problem and responsible gaming.

Clause 5 provides for amendments consequential to the redefining of Minister under section 2 of the Bill.